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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FEDERAL INSURANCE COMPANY, an)
Indiana corporation,)

Plaintiff,)

vs.)

ST. PAUL FIRE & MARINE INSURANCE)
COMPANY, a Minnesota corporation,)

Defendant.)

AND RELATED COUNTERCLAIM.)

Case No: C 05-01878 JW

STIPULATION AND [PROPOSED]
ORDER EXTENDING CERTAIN
SCHEDULED DATES

Pursuant to Civil Local Rules 6-2 and 7-12, the Parties submit the following Stipulation and [Proposed] Order Extending Certain Scheduled Dates:

WHEREAS,

1. This action was filed by Federal Insurance Company ("Federal") against St. Paul Fire and Marine Insurance Company ("St. Paul") on May 6, 2005. On June 24, 2005, St. Paul filed a counterclaim against Federal and National Union Fire Insurance Company of Pittsburgh, PA ("National Union").

2. Extraordinary circumstances require that St. Paul request that the scheduling in this case to extended by approximately 30 days.

3. St. Paul has been represented throughout this case by attorney Marc Shrake, formerly of the Los Angeles office of Zelle, Hofmann, Voelbel, Mason & Gette LLP ("Zelle Hofmann").

4. On May 1, 2007, Zelle Hofmann announced the closure of its Los Angeles office. Based on this development, St. Paul requested, and Federal and National Union agreed, and the Court entered an Order on May 14, 2007, to extend the dates in this case by approximately 60 days. A copy of this Scheduling Order is attached as Exhibit A.

5. Mr. Shrake has now joined the law firm of Squire, Sanders & Dempsey L.L.P. ("Squire Sanders"), and St. Paul is in the process of transferring responsibility for this case to Mr. Shrake at his new firm. However, Mr. Shrake has advised counsel for Federal and National Union that he has encountered possible conflict issues and is working diligently to resolve them, including obtaining any necessary consents or waivers from Federal and National Union and/or their respective affiliated companies. Mr. Shrake anticipates that these matters can be resolved in the next 30 days.

6. The Parties have, to date, completed five depositions and, on July 23, participated in a mediation with Mr. Martin Quinn of JAMS in San Francisco. The parties are continuing to discuss possible resolution of this case through Mr. Quinn via telephone.

1 7. A Scheduling Order was issued on July 12, 2006, essentially adopting the
2 schedule in the parties' Joint Case Management Statement and Proposed Order. A copy of this
3 Scheduling Order is attached as Exhibit B.

4 8. A Stipulation and Order Extending Certain Trial Dates was issued on February
5 27, 2007, due to the time necessary to analyze voluminous discovery including a database
6 produced by Cirrus Logic exceeding 500 Giga Bytes and to locate and arrange for the
7 depositions of certain witnesses no longer employed by any party. A copy of this Stipulation
8 and Order is attached as Exhibit C.

9 **NOW, THEREFORE, IT IS HEREBY STIPULATED** that the following scheduled dates,
10 which have not yet passed, should be extended and rescheduled by approximately 30 days, or
11 as soon thereafter as permitted by the Court, as follows:

- 12 • Close of Discovery shall be **November 21, 2007** (formerly October 24, 2007).
- 13 • Last Date for Hearing Dispositive Motions shall be **February 4, 2008** (formerly
14 January 7, 2008).
- 15 • Preliminary Pretrial Conference Statements shall be due **February 22, 2008**
16 (formerly January 23, 2008).
- 17 • The Preliminary Pretrial Conference and Trial Setting Conference shall be
18 scheduled for Monday, **March 3, 2008** (formerly February 4, 2008).
- 19 • All associated dates set forth in the Scheduling Order, which have not yet passed,
20 including expert witness disclosures, expert witness reports, expert witness
21 objections, and rebuttal expert witness disclosures, are also extended and
22 rescheduled by 30 days.

1
2 **IT IS SO STIPULATED.**

3 Dated: August _____, 2007

NEWTON REMMEL

4
5 By: _____

6 Stephen L. Newton
7 Gabriel G. Gregg
8 Attorneys for Plaintiff and Counterclaim
9 Defendant
10 FEDERAL INSURANCE COMPANY

11
12 Dated: August 2, 2007

13 By: Marc J. Shrake

14 Marc J. Shrake
15 Attorney for Defendant and Counterclaim
16 Plaintiff
17 ST. PAUL FIRE AND MARINE
18 INSURANCE COMPANY

19
20 Dated: August 1, 2007

BARGER & WOLEN LLP

21 By: Thomas R. Beer

22 Thomas Beer
23 Attorneys for Counterclaim Defendant
24 NATIONAL UNION FIRE INSURANCE
25 COMPANY OF PITTSBURGH, PA

26 **ORDER**

27 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

28 Dated: August 8, 2007

James Ware
THE HONORABLE JAMES WARE
United States District Judge

1
2 **IT IS SO STIPULATED.**

3 Dated: August 6, 2007

NEWTON REMMEL

4
5 By: Stephen J. Newton

6 Stephen L. Newton
7 Gabriel G. Gregg
8 Attorneys for Plaintiff and Counterclaim
9 Defendant
10 FEDERAL INSURANCE COMPANY

11 Dated: August _____, 2007

12 By: _____

13 Marc J. Shrake
14 Attorney for Defendant and Counterclaim
15 Plaintiff
16 ST. PAUL FIRE AND MARINE
17 INSURANCE COMPANY

18 Dated: August _____, 2007

BARGER & WOLEN LLP

19 By: _____

20 Thomas Beer
21 Attorneys for Counterclaim Defendant
22 NATIONAL UNION FIRE INSURANCE
23 COMPANY OF PITTSBURGH, PA

24 **ORDER**

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 Dated: August _____, 2007

27 THE HONORABLE JAMES WARE
28 United States District Judge